IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6047 OF 2003

M/s.Aditya Agencies P.Ltd. .. Petitioners

Vs.

The Sangli Bank Ltd. ..Respondents

Mr.Vineet B.Naik for the petitioners

Mr.Sangram Suryawanshi i/b M/s.Mulla & Mulla and Craigie Blunt and Caroe for the respindents

CORAM : S.U.KAMDAR, J
DATED : 9TH DECEMBER, 2005

P.C.:

. In the present petition petitioners are seeking that Special Civil Suit No.10 of 1994 which is pending before the court of Joint Civil Judge, Senior Division, Kolhapur be transferred to the Debt Recovery Tribunal. The claim in the suit is only for sum of Rs.2,89,100. Admittedly, the claim is below Rs.10 lacs and therefore, cannot be transferred to the Debt Recovery Tribunal. However, the learned counsel for the petitioners has contended that in the said suit counter claim filed is more than Rs.50 lacs. For the purpose of Jurisdiction what is required to be seen is the

claim amount in the suit and not the counter claim. In that view of the matter, the present petition has no merits. The same is accordingly dismissed. No order as to costs.